

ABSTRACT**CASE STUDY ON COURT DECISION NO MOUNTAIN SITOLI
8/OID/B/2013/PN-GST DEATH PENALTY ON MINORS IN PERSPECTIVE
ISLAMIC LAW****MARIATUL ISTIANI****13421045**

This thesis aims to determine how the provisions of the age limit of children and criminal liability according to Law No. 11 of 2012 on the Juvenile Justice System that reviewed through the viewpoint of Islamic criminal law, so that known is there in the Law No. 11 of 2012 conformity with the provisions of Islamic criminal law.

This study is a review of the literature by using normative juridical approach, which starts with analyzing the articles in Law No. 11 of 2012, then studied from fiqh jinayah through the arguments of the Qur'an and Hadith. And analyzed with descriptive analytical method that is by giving a picture of an object of research to finally drawn general conclusions.

The results of this study are: (1) The child's age limit liability in Law No. 11 of 2012 is a child who has aged 12-18 years, not in accordance with the provisions of Islamic law, for children age restrictions in Islamic law are broader, which is measured by the criteria of age and mukallaf, as well as an age limit of 15 years set by majority ulama'; (2) for criminal responsibility of children, Law No. 11 of 2012 has been in accordance with the provisions of Islamic criminal law that applies penalties in the form of education, teaching and supervision for minors and the application of criminal penalties for children over the age of 15 years.

Children who committed a criminal act can not be executed as described in Law No. 11 Year 2012 on Child Criminal Justice System. One verdict in Gunungsitoli, the suspect Yusman Telaumbanua was sentenced Article 340 of the Criminal Code, under penalty of death by the judges because his actions were premeditated murder carried out jointly. The purpose of writing this article is to analyze the basic consideration in the judge impose the death penalty against perpetrators of murder as well as to analyze the appropriateness of sentences to death by the judge by Law No. 3 of 1997 on Juvenile Court jo Law No. 11 Year 2012 on Child Criminal Justice System. Based on the analysis of material obtained Yusman Telaumbanua law can not be sentenced to death for the elements contained in Article 340 of the Criminal Code are not met by Yusman Telaumbanua than that found other evidence in the form of deed of baptism issued by Bethel Church Indonesia No. 03 / GBI-TK / II / 2015 which states that the age Yusman Telaumbanua still immature.

Keywords: verdict PN No 8/PID/B/2013/PN-GST, islamic law, responsibility criminal